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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 January to 15 April 2012.

2. The priorities of the Mission, to promote security, stability and respect for human rights in Kosovo and in the region, remain unchanged. In furtherance of its goals, UNMIK continues to intensify its constructive engagements with Pristina and Belgrade, the communities in Kosovo, and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). In line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), the European Union Rule of Law Mission (EULEX) operates under the overall authority and within the status-neutral framework of the United Nations. The United Nations agencies, funds and programmes continue to work closely with the Mission.

II. Political developments

3. Following the successful conclusion of discussions on key issues in the dialogue, both Belgrade and Pristina advanced their European plans. At the beginning of March, the European Union member States voted to grant candidacy status to Serbia, which had been pending since its application in 2009. On 27 March, the European Commissioner for Enlargement formally launched a feasibility study for a Stabilization and Association Agreement between the European Union and Kosovo. These marked the most positive political developments in the reporting period, flowing from concrete progress in the European Union-facilitated dialogue.

4. Casting a shadow over these developments, however, was an increase in tension on the ground during the latter part of the reporting period. This was attributable in part to preparations for the Serbian elections to be held on 6 May and accompanying controversies about voting in Kosovo. It also seemed to derive, however, from a

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widening perception that fundamental resolution remains elusive for the underlying issues of the conflict. My Special Representative and international partners on the ground continued their extensive direct engagement with the parties — in Pristina, Belgrade and northern Kosovo — in order to encourage solutions, including to the differences of view about voting in Kosovo, as well as to reduce tensions generally and to support conditions for constructive dialogue.

5. The call for Serbian parliamentary, presidential and local elections on 6 May accentuated standing differences of view among the parties and between Serb communities on both sides of the River Ibër/Ibar. Kosovo Serbs who participate in the Kosovo institutions dismissed the need to hold local elections in Kosovo; many others called for them to be held in full accordance with Serbian law. The Kosovo authorities rejected any holding of Serbian local elections in Kosovo, and warned that they would use all available means to prevent them. As part of an international effort to avoid direct confrontation, my Special Representative exchanged correspondence with the Government of Serbia, which resulted in agreement not to organize local elections in Kosovo in May, but instead to revisit the issue at a future date. In the face of diverse opinions on how to manage voting in Kosovo for Serbian parliamentary and presidential elections, UNMIK worked with international partners to try to identify a mechanism acceptable to all stakeholders, but, close to the date of the elections, the basic positions of the parties were far apart on this question.

6. Working against the efforts to reduce tension during this period, a number of incidents added to problems on the ground, often exacerbated by inflammatory rhetoric from all sides. Among the more worrying developments was the series of apparent tit-for-tat arrests carried out by the Kosovo and the Serbian police. On 25 February, the Kosovo police detained six Serbian employees of the Interior Ministry residing in south-eastern Kosovo, on political charges. On 8 March, two Kosovo Serb employees of the Serbian postal service were arrested by the Kosovo police for transporting Serbian invoices and banking documents. On 12 March, two more Serbian postal workers were arrested, while on 27 March four Kosovo Serbs were arrested in eastern Kosovo for allegedly transporting election materials. The following day, a Kosovo Serb employed by the Serbian postal service was arrested while delivering pension payments to individuals in Kosovo, and the pension payments were seized.

7. In what Belgrade officials initially referred to as "reciprocity" for these arrests in Kosovo, on 28 March the Serbian police arrested the head of the Kosovo Metalworkers Union on charges of espionage, allegedly carried out on behalf of NATO in 1999, remanding him in custody for 30 days. On 31 March, the Serbian Gendarmerie further detained two Kosovo police officers in uniform, charging them with unauthorized possession of weapons, in circumstances and at a location still under investigation by KFOR. The two Kosovo police officers were subsequently released to EULEX.

III. Northern Kosovo

8. On 14 and 15 February, despite criticism from the Kosovo authorities, the international community and the Government of Serbia, the northern Kosovo Serb municipalities conducted their public "referendum" on the question "Do you accept the institutions of the Republic of Kosovo?" The organizers claimed a turnout of

75.29 per cent, and that some 99.74 per cent of participants responded negatively to the question posed. The Kosovo authorities condemned the referendum as an "illegal act", while UNMIK and other international presences stressed that it had no legal consequence. The defiant tone struck by the organizers of the referendum continued nevertheless, and have plans to hold local elections regardless of any official stance taken by Belgrade or the international community.

9. My Special Representative continued to engage the Serb leaders in the north, urging them in particular to improve their communication and engagement with KFOR and EULEX, and to allow unimpeded freedom of movement. Kosovo police and Customs officers continue to be transported by air to gates 1 and 31 by EULEX, while in response the northern Kosovo Serbs continue to deny EULEX full and unconditional freedom of movement, despite improvements since the previous reporting period.

10. Following the long-awaited removal by Serbian police of barricades on the north side of the ground safety zone, traffic has slowly resumed at gates 1 and 31. On 26 March, EULEX announced that gate 1 was also open for commercial traffic. EULEX police and Customs are exercising executive functions at both gates while Kosovo police and Customs continue to be present. Coordinated actions by KFOR and the Serbian police have also led to the closure of some of the unauthorized crossings which had been heavily used instead of the gates themselves.

11. The situation in the north remains extremely sensitive to any political developments between Pristina and Belgrade, and there were, alternately, both setbacks and small steps forward throughout this reporting period. Public opinion about EULEX in the north was negatively affected by confusion about the implementation of the dialogue agreements on freedom of movement and on the future integrated management of the crossing points. Kosovo Serbs were quick to react to any sense that they were not themselves made sufficiently aware of or consulted on the terms of the agreements. Through UNMIK-facilitated security coordination meetings as well as direct engagement by my Special Representative, the Mission continues its endeavours to keep local channels of dialogue open and to reduce the space for misunderstandings to grow into larger problems on the ground.

12. In spite of this, the danger of more serious incidents occurring remains ever present. In the early hours of 8 April, an explosion damaged a ground-floor apartment in a multi-ethnic neighbourhood of northern Mitrovica, killing a 38-year-old Kosovo Albanian man and injuring two of his four children; his wife escaped unharmed. Later the same day in a nearby suburb, three Kosovo Albanian youths assaulted a 66-year-old Kosovo Serb, who required hospitalization for serious chest and head injuries. The Kosovo police responded by attempting to set up new fixed guard points in the area, which were then physically resisted by Kosovo Serb residents.

IV. Engagement between Pristina and Belgrade

13. At the ninth session of the European Union-mediated dialogue, from 22 to 24 February, the parties reached an agreement on Kosovo's regional representation and cooperation. The agreed conclusions foresee that Kosovo participates on its own account and speaks for itself at regional meetings, and stipulates that "Kosovo*" will be the only denomination used. The footnote linked to the asterisk reads: "This designation is without prejudice to positions on status, and is in line with Security

Council resolution 1244 (1999) and the International Court of Justice Opinion on the Kosovo declaration of independence." The arrangements reached in Brussels also stipulate that Kosovo will be able to sign new agreements under this denomination. With regard to existing agreements signed by UNMIK on behalf of Kosovo, the parties decided to let UNMIK determine whether to attend related meetings.

14. In order to encourage hosts of regional meetings to avoid the display of national symbols, both parties and the European Union facilitator undertook to inform the relevant regional organizations about the agreed principles. As the agreement does not stipulate the precise way of using the footnote, different interpretations have led to problems with Kosovo's participation in a number of regional meetings. Belgrade insists that the footnote be on the name plates immediately under "Kosovo" while Pristina argues that the footnote does not belong on the name plate. Depending on the absence or the presence of the footnote either Pristina or Belgrade has been frustrated whenever its interpretation of the agreement has not been respected and has responded by either boycotting or walking out of the meeting. Mutually exclusive interpretations have thus hampered Pristina's or Belgrade's ability to participate in the same regional forums, also signalling some inherent shortcomings in the mechanisms to ensure implementation of agreements.

15. UNMIK has liaised with the various initiatives for which it has been providing facilitation, to explore where it might be of assistance in making up the difference on implementation of the agreement. In line with the core of its mandate, the Mission's interest remains the facilitation of Kosovo's participation in regional forums. At the same time, UNMIK will determine which meetings held under the agreements to which it is the signatory on behalf of Kosovo it needs to attend.

16. Also at the ninth dialogue session, the parties concluded a technical protocol, providing an operational dimension to the agreement on integrated management of crossing points reached on 2 December 2011. The protocol is intended to enable the relevant agencies and entities to prepare practical issues, including the location of the crossing points, the precise presence of authorities (Customs, police, and veterinary and phytosanitary agencies), their budget and sources of funding, the use of uniforms and badges, and the exchange and processing of information.

17. In following up the agreement reached on 21 and 22 November 2011 on mutual acceptance of university diplomas, the European Union has recruited a third-party foundation, SPARK, to undertake verification of university diplomas on the ground. Upon verification that the diplomas have been duly issued, they will be forwarded to the European University Association for certification by a committee of academic experts. Prior to this agreement the certification of these documents was provided by UNMIK.

18. On 4 April, two Serbian Government vehicles transporting Serbian officials who were visiting Pristina to discuss the implementation of the dialogue agreement on cadastral registries were stoned while escorted by a Kosovo police vehicle. At least one member of the delegation sustained slight injuries as a result, but declined medical assistance. The driver's window of each of the two vehicles was broken in the incident. The Kosovo police detained three suspects, but released two of them later the same day after questioning.

19. Meetings are expected to resume after the conclusion of the Serbian elections.

V. Security

20. The overall security situation in Kosovo was marked by the above-mentioned tensions as well as by incidents related to robbery, theft, assault, illegal possession of firearms and ammunition, smuggling, and human and drug trafficking. The Kosovo police conducted a number of successful operations against individuals involved in serious organized crime, notably in the Gjilan/Gnjilane region and in Pristina, where the international presence is concentrated.

21. At the same time, crimes affecting minority communities, including intimidation, assault, theft, arson, vandalism and damage to Serbian Orthodox churches and household property, appeared to be on the increase from the same period one year ago.

22. In response to the increasing trend observed in robberies affecting minority communities, UNMIK has worked with and urged the Kosovo authorities to take specific preventive measures to try to reverse this trend. Most burglaries take place at houses of Kosovo Serbs who are not present in Kosovo; inadequate security preparations often make these houses particularly vulnerable. UNMIK has also urged beneficiary displaced persons to take advantage of measures available to better secure their properties.

23. Following a series of violent incidents and a rise in tensions in the western part of the former Yugoslav Republic of Macedonia early in March, the Embassy of the former Yugoslav Republic of Macedonia in Pristina was attacked with stones on 11 March and a Molotov cocktail on 16 March, causing a small fire in its premises, but fortunately not resulting in injuries.

VI. Rule of law

24. UNMIK continued to monitor activities and exercise some responsibilities in the area of the rule of law, as well as to cooperate at the technical level with the Ministries of Justice and Internal Affairs in Kosovo and Serbia. The impasse between the two Ministries of Justice on mutual legal assistance persisted: the Ministry in Kosovo did not process any documents from the Serbian Ministry received through UNMIK, and the Serbian Ministry did not process any documents received directly from the former.

25. UNMIK continued to provide document certification services, both to Kosovo residents and at the request of non-recognizing States, primarily for the certification of civil status and pension documents.

26. UNMIK facilitated the interaction of the Kosovo authorities with INTERPOL and its member States on a daily basis. During the reporting period, eight new requests for the issuance of international wanted notices were processed. UNMIK facilitated the issuance of 10 INTERPOL red notices with a view to the arrest and further extradition to Kosovo under resolution 1244 (1999) of internationally wanted suspects.

27. On 28 January 2012, the lead prosecutor of the EULEX Special Investigative Task Force for human organ trafficking allegations, John Clint Williamson, met with the Prime Minister of Albania, Sali Berisha, who expressed his readiness to sign an

agreement allowing the Task Force to fully implement its mandate with regard to the investigations as soon as possible.

28. On 15 February, the President, Atifete Jahjaga, inaugurated a National Anti-Corruption Council. The Council would set strategic priorities in the fight against corruption in Kosovo, suggest legislative amendments and regulations, and make proposals for better inter-agency coordination in this area.

29. During the reporting period, UNMIK remained engaged in the missing persons issue and provided support to the parties. The issue of missing persons continues to be a major obstacle to reconciliation between the communities. On 9 March 2012, the Belgrade-Pristina Working Group on Missing Persons held its 32nd meeting in Pristina, chaired by the International Committee of the Red Cross (ICRC). The Belgrade and Pristina delegations participated alongside an UNMIK representative; a EULEX representative attended in an observer capacity. The two delegations reported on the fulfilment of the respective commitments and on documents exchanged at the last meeting, on 24 November 2011. Meanwhile, the remains of four individuals were identified. ICRC estimates that some 1,793 individuals remain missing from the conflict.

VII. Economy

30. In line with findings from previous International Monetary Fund (IMF) assessments, the economy of Kosovo has continued to withstand the financial turbulence in the euro area fairly well, reflecting inter alia limited integration into cross-border financial markets.

31. A possible further deterioration in labour market conditions in the European countries, where most of the Kosovo diaspora lives, could negatively affect the level of remittances and of foreign direct investment in Kosovo. As a result, IMF has conservatively revised growth predictions for 2012 to 3.8 per cent, slightly down from its December 2011 estimate of 4 per cent. Inflation in 2012 is expected to remain low, close to 1 per cent.

32. From 23 February to 5 March 2012, an IMF mission to Kosovo made a second and final assessment, based on December 2011 data, of the Staff-Monitored Programme and conducted discussions with the Kosovo authorities on a new Standby Arrangement. The IMF mission reached a staff-level agreement with the Government on an economic programme that could be supported by a 20-month Standby Arrangement of about €107 million. Most of the conditional disbursement under the arrangement would be completed in 2012. Approval of the Standby Arrangement by the IMF Board will require the prior adoption of new laws on banking and microfinance as well as on the Pension Fund.

33. IMF continues careful monitoring of key factors including the continuation of the process of fiscal consolidation which started with the Staff-Monitored Programme and should lead to a sustainable budget in two years' time, the anchoring of fiscal policy in the long term and the enhancement of budgetary planning and execution. This would include careful costing of spending initiatives to ensure fiscal sustainability, more specifically with regard to benefits for war veterans and former political prisoners, as well as pensions and the planned reforms of the health sector and the civil service.

34. On 6 April, the Trepča mining enterprise in northern Kosovo was forced to unload 19 trucks with mineral extracts destined for shipment to Montenegro. The trucks were blocked by Kosovo Customs upon instructions issued by the Privatization Agency of Kosovo, after having been processed for export through the Customs terminal in southern Mitrovica. Trepča mineral shipments were blocked on previous occasions by Kosovo Customs, but the managing director of the enterprise has expressed concern that the latest export blockage could ultimately result in the closure of the enterprise.

VIII. Returns and communities

35. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported 136 individual voluntary returns during the first quarter of 2012, including 33 Kosovo Serbs, 10 Kosovo Roma, 83 Kosovo Ashkali/Egyptians, 8 Kosovo Bosniaks and 2 Kosovo Albanians in a minority situation. The total number of returns for the first three months in 2012 is about 48 per cent less than in the same period in 2011 (264 persons). UNHCR attributes this drop mainly to the lack of available land for returnees and the limited number of houses being built.

36. UNHCR, as well as its implementing partners and donor States, continued to provide financial and other support to Kosovo municipalities to carry out outreach activities to displaced persons outside and within Kosovo, including go-and-inform and go-and-see visits. Eight go-and-see visits were held in Kosovo during the first three months in 2012, benefiting 74 displaced persons in Serbia and 8 displaced individuals in Montenegro. Several returns assistance projects are ongoing, including a European Union-funded return and reintegration project in five municipalities providing for the start of the reconstruction of houses. The British Government is supporting its second returns project in the historic part of Prizren town, providing assistance, including house construction, for 15 Kosovo Serb families. The project is due to be completed by 31 March 2013.

37. Host countries, mainly in Western Europe, repatriated 739 individuals, including 198 minority community members during the reporting period. According to UNHCR statistics, of the 181 forced returnees, 109 were Kosovo Roma, 28 Kosovo Egyptian/Ashkali, 15 Kosovo Gorani, 14 Kosovo Bosniaks, 11 Kosovo Serbs, 1 Kosovo Turk and 3 Kosovo Albanians in a minority situation.

38. Municipalities continued to face financial difficulties in reintegrating the forced returnees. For some municipalities, including Pristina, the absence of a functioning Municipal Office for Communities and Returns, which coordinates reintegration assistance with the Ministry of Internal Affairs, exacerbates the situation. In March 2012, the United Nations Development Programme (UNDP) announced the start of a Sustainable Employment Reintegration Project, which aims to assist repatriated persons to reintegrate into the labour market, in cooperation with the Ministry of Labour and Social Welfare and the Ministry of Internal Affairs.

39. Since the beginning of 2012, the International Organization for Migration has provided reception assistance and onward transportation to 261 persons returning under assisted voluntary return and reintegration programmes from Western European countries. Two thirds of assisted returnees are adult males.

40. The Kosovo authorities undertook a review of the humanitarian transport by bus service inherited from UNMIK. At a meeting of the Technical Committee on 27 February, the Kosovo Ministry of Infrastructure recognized the importance of the bus lines, but argued that the relevant laws governing their operations were outdated. The Ministry also reviewed the existing 37 bus lines because of the improved security situation throughout Kosovo and alleged misuse by public officials. At the same time, it approved a request by the Shtërpcë/Štrpce Municipality for a humanitarian bus route, which since 17 January has linked Ferizaj/Uroševac, Shtërpcë/Štrpce and Brezovicë/Brezovica three days a week. However, Kosovo Serbs in Gorazhdevc/Goraždevac in Pejë/Peć Municipality complained that their freedom of movement has been impeded since late January by the cancellation of a humanitarian bus service there.

41. The reporting period was marked by unusually heavy snowfalls, causing a number of deaths and significant material damage. In Restelicë/Restelica village in Dragash/Dragaš Municipality, a 500-m wide and 10-m high avalanche killed 10 members of a Kosovo Gorani family in their home and destroyed nine other homes that were vacant at the time. The heavy snow put hundreds of already vulnerable families in rural areas at increased risk. As a result, some municipalities declared states of emergency. Six Kosovo Serb families in Ferizaj/Uroševac Municipality left for Serbia, reportedly because of electricity and water shortages. Although local and central authorities, as well as the Serbian Government, delivered food, firewood and hygienic materials to the neediest families, their capacity to deal with the ensuing humanitarian and emergency situations was limited. On the positive side, the severe winter triggered several environmental and disaster management initiatives in Kosovo.

IX. Cultural and religious heritage

42. The reporting period was marked by intensified consultations on the future of the Reconstruction Implementation Commission. As a result of two Council of Europe visits to Kosovo, a joint mission, including the Institute for the Protection of Monuments in Belgrade, the Kosovo Ministry of Culture, Youth and Sport and independent experts, conducted an assessment of the overall work of the Commission since its establishment in 2005. The joint mission made cost estimates for the work still required to complete the restoration of religious heritage sites. Meanwhile, on 17 March, at a service in commemoration of the eighth anniversary of the March 2004 riots, Bishop Teodosije of Raška and Prizren made an appeal in favour of the completion of such restoration works.

43. During the reporting period, UNMIK consulted with the Serbian Orthodox Church and KFOR on security arrangements for the Serbian Orthodox sites. Following a decision by the North Atlantic Council, in March KFOR started to gradually transfer security responsibilities to the Kosovo police at Dević Monastery, one of the three Serbian Orthodox Church sites still under KFOR protection. Given the potential security risks around the site, which had been damaged twice since 1999, KFOR worked out a special formula for gradually transferring security responsibilities, which included the establishment of a Kosovo police fixed checkpoint, with EULEX retaining "mentoring, monitoring and advising" functions and KFOR continuing to ensure a safe and secure environment in the area.

Nevertheless, the Serbian Orthodox Church remains concerned about the transfer of security responsibilities at Dević, considering it premature.

44. UNMIK continues to facilitate the activities of UNESCO in Kosovo. During the reporting period, UNESCO completed tenders and selected implementing partners for the reconstruction of three UNESCO World Heritage sites, funded by the Russian Federation: the Visoki Dečani Monastery, the Gračanica Monastery and the Peć Patriarchate. Fresco restoration at the fourth UNESCO site, the Bogorodica Ljeviška Church in Prizren, funded by the combined donations of several countries, continues.

45. The efficiency of the established protective mechanism for Serbian religious and cultural heritage in Kosovo remains an UNMIK priority. Overall, significant resistance remains in the Kosovo Albanian population against legislative measures and their implementation aiming at the protection of Serb cultural and religious sites, and a gap persists between the commitments made by the Kosovo authorities in this area and their implementation. As a result, the Serbian Orthodox Church continues to rely on international mediators in its disputes with local authorities. The role of the European Union Facilitator for the protection of the religious and cultural heritage of the Serbian Orthodox Church in Kosovo is still critically important. Mediation efforts of the international community have succeeded at varying degrees in the cases of a controversial walking path and a water pump project near the Peć Patriarchate. In Deçan/Dečani Municipality, only intervention by the international community and the European Union Facilitator ensured that the mayor shelved municipal plans for a highway project and a new road project which were in clear violation of legislation protecting the Visoki Dečani Monastery.

46. During the reporting period, there were public protests against the draft laws on special protective zones in the village of Hoçë e Madhe/Velika Hoča (Rahovec/Orahovac municipality) and in the historic centre of Prizren, which are still being reviewed after the first reading by the Assembly of Kosovo. At the end of January, a protest organized jointly by the opposition Self-Determination Movement and Kosovo Albanian civil society organizations was held in Prizren. Protesters claimed that the obligation deriving from a draft law to consult the Serbian Orthodox Church on construction in Prizren city centre might obstruct urban development. In March, the Kosovo Serb community from Hoçë e Madhe/Velika Hoča complained to the Ministry of Culture, Youth and Sport in a letter, asking that the planned privatization of a historic building in the village centre be halted. The building, considered one of the main cultural heritage assets of the village, was previously reconstructed by an international non-governmental organization and is used by the local community as a cultural centre.

47. Acts of vandalism continued during the reporting period. Twelve cultural and religious heritage sites, including nine Serbian Orthodox churches and graveyards, two mosques and one Catholic church, were the targets of theft and vandalism.

X. Human rights

48. UNMIK and its partners have revived the Human Rights International Contact Group, a forum for information-sharing and strategizing for the promotion and protection of human rights in Kosovo. Regular meetings resumed in January 2012.

49. During the reporting period, the Kosovo authorities established a working group to develop an action plan to implement Security Council resolution 1325 (2000) on women and peace and security.

50. The Agency for Gender Equality and other relevant institutions have started with the support inter alia of OSCE to plan for training throughout 2012 on preventing domestic violence and other activities. UNMIK has stressed that greater financial and human resources are needed to properly assist victims of domestic violence; there are currently no reintegration programmes available for victims once they leave shelters. The Action Plan on Domestic Violence for 2012-2015 of the Kosovo authorities was finalized during the reporting period; UNMIK will be closely following its future implementation.

51. Several organizations held events throughout Kosovo on 8 March to promote rights and equality for women in commemoration of International Women's Day. UN-Women jointly with the Agency for Gender Equality, supported by UNDP, OSCE and UNMIK as well as the Kosovo Women's Network, organized a round table on the theme "Empowerment of rural women — challenges and institutional support". The Minister for Agriculture and other ministers attended the event.

52. Other activities centred on combating violence against women and improving access to justice. UNDP, in collaboration with the Women's Caucus of the Kosovo Assembly, held an event to discuss the theme "Women in Kosovo and access to justice". OSCE launched a "Catalogue of Advice and Assistance for Domestic Violence Victims", a report finding excessive delays in the adjudication of domestic violence complaints in Kosovo, and a media awareness campaign to promote the newly established domestic violence and anti-trafficking helpline.

53. The five Deputy Ombudspersons appointed in November 2011 have yet to receive salaries. The Law on the Ombudsperson Institution stipulated that their salaries should be regulated by the Law on Salaries of Senior Officials, but this law has not been enacted. The Ombudsperson has requested as an interim measure that UNMIK Regulation 2006/6 on the Ombudsperson Institution in Kosovo be used. The Kosovo authorities have not addressed the request, while the Paris Principles of 1993 (Principles relating to the status of national institutions for the promotion and protection of human rights) call for a national human rights institution to have adequate funding in order to be independent of the Government and not be subject to financial control which might affect its independence.

54. In February 2012, UNMIK transmitted a new set of follow-up comments to the Human Rights Committee, on the concluding observations on Serbia's initial report under the International Covenant on Civil and Political Rights. The focus was on returns, property compensation, missing persons and war crimes prosecutions.

55. Regarding the arrests on 25 February in south-eastern Kosovo of six Kosovo Serbs working for the Serbian Interior Ministry, news media reported that the special units of the Kosovo police exercised brutality during the detentions. The Serbian authorities criticized the operation and the Kosovo Ombudsperson called for an official investigation. UNMIK visited the families of three of the arrested; interviews and observations tended to confirm the use of excessive force by the police.

XI. External representation and regional cooperation

56. During the reporting period, UNMIK facilitated the participation of Kosovo representatives in several meetings of the Energy Community, the Central European Free Trade Agreement, the South-East Europe Transport Observatory, the Regional Cooperation Council, and the United Nations Office on Drugs and Crime. The agreement reached on regional representation and cooperation in the European Union-facilitated dialogue has affected the conduct by UNMIK of its external representation role. Taking into account the elements of the agreement reached, and after consultation with interested parties, UNMIK concluded that it was not necessary to attend certain meetings.

57. At the request of INTERPOL, UNMIK gave a presentation at the 60th meeting of the INTERPOL European Committee, held on 7 and 8 February 2012 in Lyon, France. Legal aspects of cooperation with UNMIK were discussed. From 13 to 15 March 2012, representatives of the UNMIK INTERPOL Liaison Office attended the eighth Annual Heads of National Central Bureaus Conference, also held in Lyon, at which direct contacts with National Central Bureaus of neighbouring countries and representatives of INTERPOL Directorates were established.

XII. Observations

58. While Belgrade and Pristina have achieved further results in the dialogue in Brussels, as well as progress in their respective European agendas during this reporting period, tension and confrontation on the ground continue to cause tangible risks to peace and stability in Kosovo and the region. It is my hope that the positive trends of dialogue, progress towards European integration, and normalization of relations between Pristina and Belgrade will continue to be strengthened, while the trends of tension and confrontation will gradually subside.

59. The issue of Serbian local, parliamentary and presidential elections scheduled for 6 May has served as a lightning rod for unresolved issues and tensions, given the substantially differing views of stakeholders on the holding of such elections in Kosovo. I am therefore pleased that the Government in Belgrade has consulted with UNMIK regarding the organization of local elections in Kosovo and has heeded the Mission's advice. In the same vein, I encourage all stakeholders to consult and engage constructively in order to identify appropriate modalities for the exercise of voting rights in Kosovo with regard to the Serbian presidential and parliamentary elections. Disagreements over such sensitive issues can be resolved only through peaceful engagement, rather than violence or the use of force.

60. I am pleased to note the agreement reached in the European Union-facilitated dialogue on the sensitive matter of regional representation and cooperation. Subsequent disputes over its implementation demonstrate the need for robust mechanisms to monitor the implementation of agreements reached and to urgently assist in the resolution of any such disputes. I also welcome the conclusion of a technical protocol pursuant to the earlier agreement on integrated management of crossing points, which, once implemented, can lead to the restoration of full freedom of movement throughout the north. I therefore urge the sides to renew their commitment to dialogue, following this electoral period, and to intensify their

engagement in addressing sensitive issues and in creating the conditions for an efficient implementation of agreed solutions on the ground.

61. The room for dialogue in the coming months may be narrowed, however, if calm is not sustained, particularly if public responses to incidents and provocations on the ground are imprudent. Arbitrary arrests, passivity in the face of acts of intolerance, and highly belligerent public rhetoric inevitably lead to further tension and violence, as demonstrated during this reporting period; the political leaders of both sides bear responsibility for such outcomes. In this respect, I call upon the leaders on each side to exercise their leadership, through deeds as well as words, in a manner which reduces tension and promotes a climate conducive to dialogue.

62. It is my hope that the members of the Security Council will reinforce the messages delivered to the parties by my Special Representative to this end. Sustained engagement on the part of local and international actors is vital to deter regressive developments on the ground and to find positive ways forward. Actions undertaken by the international actors operating within the framework of the United Nations and resolution 1244 (1999) need to be strategically aligned and closely coordinated.

63. Finally, I remain concerned about the continuously declining trend of voluntary returns to Kosovo, and I renew my call for strengthened political will and focus in order to reverse it. I also regret that some resistance remains to measures aiming at the protection of Serb cultural and religious sites in Kosovo, and urge the Kosovo authorities to redouble their efforts to close the gap between commitments and implementation in this area.

64. I would like to express my gratitude to my Special Representative, Farid Zarif, for his leadership of the Mission and his efforts to advance cooperation between all sides and maintain security and stability. I would also like to commend the staff of UNMIK for their ongoing work facilitating engagement between stakeholders and helping to defuse tensions and confrontations while fulfilling the responsibilities and objectives of the United Nations.

65. I conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo — KFOR/NATO, the European Union, and OSCE, as well as to the United Nations agencies, funds and programmes, for their essential support and close cooperation with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

(covering the period from 16 January to 15 April 2012)

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to assist in long-term institutional reforms through its daily monitoring, mentoring and advising activities in the Kosovo rule of law sector. In the Mission's executive capacity, EULEX prosecutors and judges have made progress on several trials. The trial against Fatmir Limaj and three co-defendants will continue. A mixed panel composed of local and EULEX judges has ruled that 6 of the 10 defendants in the so-called Kleçkë/Klečka case were not guilty. EULEX judges furthermore continued their supervision of ongoing corruption and organized crime cases. The Special Investigative Task Force has continued working pursuant to its mandate to investigate allegations contained in the report of the Council of Europe Special Rapporteur, Senator Dick Marty, on illicit trafficking in human organs. The Task Force has been strengthened institutionally and operationally during the reporting period. EULEX furthermore remains actively committed to supporting the European Union-facilitated Belgrade-Pristina dialogue and Kosovo legislative processes. Meanwhile, despite minor improvements in access to the north of Kosovo, EULEX remains hampered by roadblocks and related security issues. The Mission has continued to implement its executive mandate by performing checks at gates 1 and 31 in the field of police and Customs. During the reporting period, a reconfiguration of the Mission in the light of developments in the area of the rule of law has been announced. These structural changes will not affect the Mission statement.

2. EULEX activities January to April 2012

General

The security situation in the north of Kosovo remains a concern and can best be described as calm but tense, with isolated incidents of violence. EULEX access to the north of Kosovo has been far from free, permanent and unconditional, despite ongoing efforts by the international community.

The current situation severely hampers the Mission's ability to implement its mandate in the north of Kosovo. Several roadblocks, usually manned by protesters, are still in place in northern Mitrovica and on the main thoroughfares in the north of Kosovo, restricting access for EULEX to duty stations, including the official crossing points at gates 1 and 31. The situation changes on a daily basis and remains unpredictable, EULEX vehicles occasionally being prevented from reaching their destinations.

Nevertheless, the Mission has continued to implement its executive mandate by performing border police and Customs checks at gates 1 and 31 following respective agreements in the European Union-facilitated Belgrade-Pristina dialogue. For commercial traffic this involves the scanning of documents, entering information in a database, and in case of doubt a Customs examination. After refurbishment, gate 1 has been reopened also for commercial traffic.

Moreover, EULEX carries out monitoring, mentoring and advising tasks at all Kosovo police stations in the north with the exception of Zubin Potok, where access is hindered by protesters. During the reporting period, the Mission has clearly communicated to its main interlocutors in the north of Kosovo that free, permanent and unconditional access is non-negotiable.

The Mitrovica District Court, which had not been in use over the past months because of the political and security situation and limited access, resumed operations on 7 March, and a number of hearings have been held since then. This is a welcome development which improves again the Mission's recently limited ability to exercise the rule of law in the north of Kosovo.

The Joint Rule of Law Coordination Board, a high-level body which brings together EULEX, the European Union Office in Kosovo (former European Commission Liaison Office) and the Kosovo Government, convened in February and April to continue discussion of achievements and challenges in a number of priority areas, particularly in relation to organized crime and corruption.

As part of the long-term EULEX effort to build sustainable capacity in Kosovo rule of law institutions, the Mission also contributed to strengthening the independent capabilities of the Kosovo police at management level, to systemic changes in the administration of the Kosovo police budget, and the development of the Directorate of Intelligence and Analysis as the effective hub of the Kosovo police Criminal Intelligence System. EULEX also monitored the four-month recruitment process of 135 new police officers among more than 10,000 candidates, supported the training of the Kosovo police on crowd and riot control and helped to establish systematic vehicle checkpoints for high-value cars to detect automobile crime and tax evasion.

EULEX provided support to the Kosovo Judicial Council with the recently approved Information and Communication Technology Strategy, which will allow the development of a new case management information system. EULEX also contributed to a more robust approach adopted by Kosovo police and Kosovo Customs to decrease the number of porous areas around Pristina airport and identified important gaps in the streamlined measures recently adopted for dealing with commercial imports of foodstuffs and other goods, which should help to prevent the abuse of these weak regulatory controls by organized crime groups.

On 27 March the EULEX Head of Mission announced his departure after the expiration of his current mandate in June 2012. Following a strategic review of the Mission by the European External Action Service, a reconfiguration of the Mission was announced taking due account of developments and progress in the area of the rule of law. It is expected that the changes will start being implemented during the next reporting period.

War crimes

On 21 March, the panel composed of one local and two EULEX judges ruled all statements and the diaries of Agim Zogaj (known as Witness X) in the Fatmir Limaj et alii (so-called Kleçkë/Klečka case) war crimes case to be inadmissible. On 30 March, the panel ruled that 6 of the 10 defendants were not guilty, while the trial against Fatmir Limaj and three co-defendants will continue. The panel decided that there remains evidence upon the factual circumstances and events that requires the continuation of the main trial, and to hear evidence called by the prosecution upon these issues and to have that evidence tested by the defence.

Corruption

Mixed panels of local and EULEX judges continued the trials against the former Minister for Communities and Returns, Slaviša Petković, charged with inter alia misappropriation in office, as well as the trial against the Kosovo Customs Director General, Naim Huruglica, and Legal Director, Lulzim Rafuna, both charged with abuse of official position.

In addition, on 12 January, Kosovo police and EULEX police under the supervision of a EULEX prosecutor arrested four officials of the Ministry of Health, including the Permanent Secretary, Ilir Tolaj. They were arrested for corruption-related offences, including abuse of official position by the manipulation of tenders and entering into harmful contracts. The investigation is currently on-going.

Three people have been arrested and are currently being held in detention on remand upon an order of a EULEX pretrial judge in connection with allegations of corruption and abuse of official position. One of them is a local prosecutor, chief of the task force against corruption of the Kosovo Special Prosecution Office. The investigation is being carried out by EULEX.

Organized crime

On 6 March, under the supervision of a EULEX prosecutor from the Kosovo Special Prosecution Office, Kosovo police arrested four individuals and conducted searches in a number of houses and premises in Vushtrri/Vučitrn in an ongoing investigation related inter alia to organized crime. On 8 March, the pretrial judge at Mitrovica District Court ordered restrictive measures for three of the defendants. The fourth defendant was released. A fifth high-profile defendant later surrendered himself and was interviewed. All five defendants remain under investigation. On 22 and 23 March, a panel of one local and two EULEX judges continued the main trial against Lutfi Dervishi et alii (known as the "Medicus case") involving inter alia charges of illicit organ trafficking and organized crime.

The Special Investigative Task Force has continued working to address the allegations contained in the report of the Council of Europe Special Rapporteur, Senator Dick Marty, entitled "Investigation of allegations of inhuman treatment of people and illicit trafficking in human organs in Kosovo". During the reporting period, the Task Force has continued to develop its capabilities and has progressed with its work. The Task Force now includes approximately 20 staff from 10 countries. It furthermore has procured the necessary specialized software to support and enhance the ongoing analytical work centred on information already received

from institutional sources. The Task Force has also initiated contact with key individuals who have relevant information for the investigation.

The lead prosecutor, John Clint Williamson, visited Kosovo and Albania late in January. He held meetings with relevant EULEX counterparts in Pristina to discuss operational and legal aspects of the investigation, and with the Albanian Prime Minister, Sali Berisha, and Foreign Minister, Edmond Haxhinasto, in Tirana, to discuss how Albanian authorities can support the investigation. Following the meeting in Albania, Mr. Berisha stated that his Government is willing to sign an agreement or adopt legislation to institutionalize cooperation with the Special Investigative Task Force. Mr. Haxhinasto subsequently wrote a letter, dated 6 February, to the President of the Security Council (S/2012/80, annex). Referring to the lead prosecutor's visit to Tirana, he wrote that "the Albanian Government agreed to make the necessary legal arrangements, including by enacting legislation if needed in order to institutionalize the cooperation between the Government and EULEX and create a clear legal framework that will help EULEX fulfil its mandate". Under the guidance of the lead prosecutor, the Task Force is working with the Government of Albania to finalize the arrangements for cooperation.

The lead prosecutor has also continued to liaise with his counterparts in Serbia and the International Tribunal for the Former Yugoslavia. During the reporting period he met the Serbian War Crimes Prosecutor, Vladimir Vukčević, and established a framework for operational cooperation with his Office. The lead prosecutor also met with the Chief Prosecutor of the Tribunal, Serge Brammertz, to agree a framework for cooperation between the Tribunal and the Task Force. In addition, he visited several capitals and held fruitful discussions on witness protection and relocation as well as on information exchange with the Task Force. Finally, the lead prosecutor also reached out to non-governmental organizations to brief them on the mandate of the Task Force and ask whether they have access to information that might be relevant for the investigation.

The support and cooperation granted to the Special Investigative Task Force during the reporting period indicates further recognition that the Task Force has the necessary jurisdiction and capabilities to conduct its investigation both in and outside Kosovo, and to elicit cooperation with relevant States for the task at hand.

Legislation

On 2 March, the Assembly of Kosovo adopted the Law on Police following changes proposed by the President of Kosovo. The law took immediate effect. About one month earlier, on 7 February, the President of Kosovo, who had the same concerns as EULEX, had initially rejected the law. In February 2012, a number of laws relating to the courts and the prosecution were added to the legislative programme. This included the Law on the Special Prosecution Office of Kosovo and the Law on Courts. EULEX was intensely engaged in reviewing the draft Criminal Procedure Code.

Dialogue implementation

EULEX remains actively committed to supporting the European Union-facilitated Belgrade-Pristina dialogue. EULEX stands ready to facilitate a swift implementation of the agreement on the integrated management of crossing points.

As part of implementing the Dialogue Agreement on Civil Registry Books of 2 July 2011, EULEX supported the Joint Committee meetings on 28 February and 5 April. A factory building in Niš has been identified where civil registry files for Kosovo will be scanned, printed, and certified. Both sides agreed to commence with an initial small-scale pilot phase from 17 April for the municipality of Lipjan/Lipljan, eventually leading to the main phase. The goal is to recruit sufficient personnel to complete the project within a year. EULEX assists Pristina by facilitating logistics and training.

As from 1 April the Kosovo police started seizing licence plates recently issued by Serbian authorities for Kosovo localities and the corresponding registration documents. Plates displayed on the cars as well as plates positioned within the cars have been confiscated. EULEX is monitoring the developments.

Approved by Xavier Bout de Marnhac
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 April 2012)

Country	*Number*
Belgium	1
Germany	1
Ghana	1
Italy	1
Pakistan	1
Romania	1
Turkey	1
Ukraine	1
Total	**8**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 April 2012)

Country	*Number*
Czech Republic	1
Norway	1
Poland	1
Romania	1
Spain	1
Turkey	1
Ukraine	2
Total	**8**

UNMIK
April 2012
Operational boundary
International boundary
National capital
Republic capital or provincial capital
Town, village
Mountain pass
Major road
Secondary road
Railroad
0 5 10 15 20 25 km
0 5 10 15 mi
SERBIA
MONTENEGRO
KOSOVO
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
HUNGARY
CROATIA
ROMANIA
BOSNIA AND HERZEGOVINA
ITALY
Belgrade
Priština
Kosovska Mitrovica
Skopje
HQ UNMIK
HQ MLC
MLT
UNMIK HQ
Military Liaison Component HQ
Military Liaison Team
UNMIK perimeter of operations
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Cartographic Section